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10/06/2022

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 10 JUNE, 2022

AT 10.00AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Mr Darams, ready to proceed?

MR DARAMS: Yes, we're ready to proceed, Chief Commissioner.

THE COMMISSIONER: We'll have Mr Tsirekas resworn. Thank you, Mr Tsirekas.

THE COMMISSIONER: Thank you. Just take a seat. The declaration I earlier made under section 38 under the Independent Commission Against Corruption Act continues to apply to today's proceedings in respect of the evidence of the witness. Mr Darams.

10 MR DARAMS: Mr Tsirekas, you recall last – well, Monday I was asking you some questions about the declaration you made in October 2020 in relation to the Rhodes East land?---Yes, I do.

You recall the declaration you signed, the typed declaration, where you identified that you had relationships with a number of proponents in that area, do you remember that?---Yes.

I asked you who those proponents were, and you accepted that included Billbergia and Mr Kinsella.---Yes.

20 It also included Prolet, or the other one was Prolet and the, Prolet/the Jacobs brothers.---More Kinsella than the Jacobs brothers, I would say, but, 'cause I don't know if the Jacobs brothers ever put in a proposal under their names.

Just remember that I was asking you questions about the declaration you signed, and I was asking you about the proponents you had identified. You didn't name them, but I was asking you to tell me who they were. You accepted one was Billbergia and Kinsella.---Yeah, yeah.

30 You also accepted that the other one was Prolet and Kinsella.---Well, probably correct that, yeah.

I'm just asking you about the evidence you gave, Mr Tsirekas.---Sure.

40 You recollect, and understanding you told me that the other proponent was Prolet/the Jacobs brothers. That was your evidence. Do you remember saying that?---Look, I can't remember saying their names. I know that we were referring to a document that was provided to me by my, for previous solicitors. But I'd like to correct that because it's probably not the right, the right names in regards to that application.

Well, can we do this again? Can we have volume 2, page 250 brought up. Mr Tsirekas, this is the document you understand you and I have just been talking about?---Correct.

I draw your attention to the second paragraph, “I have a personal relationship with a number of the proponents.” Do you see that?---Yes, I do.

10 This was the statement I asked you about earlier this week. Do you remember that?---Yes, I do.

When you gave that evidence to me, when I asked you who the proponents were, you accepted Billbergia/Kinsella was one of them?---Yes.

20 Just focusing now, Mr Tsirekas, on your answers you gave me, the other party you identified – because you say “number of proponents” – the other one that you accepted and identified was Prolet/the Jacobs brothers, because you understand Prolet to be the company associated with the Jacobs brothers, correct?---No.

You don’t understand that Prolet is a company associated with the Jacobs brothers?---Oh, no, I do understand that part of the question, yes.

You do understand that?---Yes.

30 Right. But you accept that when I asked you about this document, in addition to Billbergia you accepted that the other or another proponent was Prolet?---I don’t accept that. I may have mentioned it but I’d like to correct it.

Okay, stop. You can correct it in a moment because I understand this will be another example of where you want to give different evidence. You say “correct”, I’ll suggest you’re giving different evidence. But when I asked you about this before, earlier this week, you did accept that Prolet was one of those proponents who you wanted to declare the relationship or identify the personal relationship. Do you remember giving that evidence?---I may have mentioned their names in it, yes, yes.

40 But you now want to go on, do you, and give different evidence on the assumption you’ve already identified Prolet as being one of those who you say you had a personal relationship with, is that what you want to do?---I

just want to correct that in regards to, to this statement that was received from my former solicitors, yes.

I accept that you say this is received from your former solicitors but we see your signature on there. I want to suggest to you that when you signed the document you were agreeing that what was set out in the document was true and correct.---The advice that I received - - -

10 When you signed the document, Mr Tsirekas, you were doing that to indicate that you agreed with what was set out in the document as being true and correct.---No.

Do I understand - - -?---That was the advice that I got.

Are you saying under oath that you signed this document even though you did not believe it was true and correct?---Yes. The fact was - - -

20 Why would you sign a document that you did not believe to be true and correct? Why would you do that?---I, I was given advice because of ongoing investigations and they told me that this is the preferred way to deal with the item.

You're saying you were given advice to sign something and do something that you did not believe in? Is that what you're saying?---At that time, the advice was, but looking back - - -

30 Back to my question, please. Are you saying under oath that you did something that you did not believe in, that is agree that this is a true and correct statement? Is that what you're saying?---Yes. I, if I can explain - - -

THE COMMISSIONER: You earlier said, I think by way of explanation, in answer to the question why would you sign this document.---Yes, Commissioner.

40 It being suggested, I think, that you signed it because you were saying it was true and correct. In that answer you said you were acting – this is not your words, but the effect of what you said, as I understand it, was the advice was that the best way to go, this is the best way to go, that is this document which you've signed, given that ICAC investigations are underway, something to that effect, is that right?---That's right, Commissioner.

Who gave you that advice?---I think I, I said that former, former acting - - -

Former solicitors?---Yeah.

I just want to know though, who was there person who gave the advice, the solicitor in other words?---I think I spoke to Zoe Elliott.

I'm sorry?---Zoe Elliott.

10 And she is a, or she was at the time as you understood it, a solicitor?

---Correct.

Was she a partner or employed solicitor?---Oh, I don't know.

You don't know.---I don't know.

With the firm you mentioned the other day, which is?--- Colin Bigsley & Paisley.

20 Colin Biggers & Paisley. Okay, thank you.

MR DARAMS: Do you say that Ms Elliott was the person who gave you the advice in relation to this document?---I don't know if she wrote, wrote the, the advice down but that's the person I spoke to.

Do you say she told you to sign this document?---She provided the document for me, yes.

30 Did she tell you to sign it?---Well, I think that's why I asked her for the advice, was to get a statement.

So do you say she advised you to sign the statement in this form?---That's what was provided to me.

Did you provide – before she provided this document to you, did she ask you questions about your relationships?---Ms Elliott and her team were part of the ongoing investigations and I - - -

40 Did she ask you questions about your relationships?---I can't recall. All I can recall is that I sent her the report of the evening - - -

I'll just stop - - -?---And then this was sent back.

Just stop, just stop there. When you say the report of the evening, what are you talking about?---Oh, refers to a report to council.

I see. So you send her the - - -?---Item 3, Rhodes Planning, yeah.

10 You obviously would have had some conversation with her then after you send the report to her?---Not, not much of a conversation that I recall. I just said, "What should I do in this circumstance?"

Is that all you remember you asked her?---To my best of my recollection.

Did she ask you questions?---I don't, can't recall.

20 Had you told her about your relationship with, or your dealings and interactions with Mr Kinsella and Billbergia over the years before you signed this document?---She, she was aware because of the ongoing investigations that these were the parties that were referred to - - -

That wasn't my question, Mr Tsirekas.---Mmm.

Had you told her about your dealings with or interactions with Mr Kinsella or others from Billbergia?---Okay. I, I can't recall in the many interviews I had, I, I don't know.

Is it likely that that subject came up, Mr Tsirekas? It seems to be.---Look, I can't, I can't recall in detail, no.

30 My question is is it likely that you discussed with your former solicitors your relationship with Mr Kinsella or others on behalf of Billbergia? ---Look, I can't recall, to be honest. There was a lot of information that they were gathering as part of the investigations and I was providing those documents.

40 I want to suggest to you it's more than likely, it's probable, that you had some conversation with Ms Elliott or others from her firm about your relationships or interactions with Mr Kinsella or others on behalf of Billbergia?---Okay. I really don't remember.

What about in relation to your interactions and dealings with the Jacobs brothers and Prolet? Is it more than probable that you had - - -?---Well - - -

- - - a conversation or conversations with Ms Elliott or others from her firm about those matters?---All I can remember, as you asked, is that there were a lot of documents that were provided and that was to do, provide them some background to the ongoing investigations.

10 Well, do you remember having conversations with your lawyers?---Yes, yes.

Do you remember whether the topic of your relationships with Mr Kinsella or Billbergia were discussed?---I can't really recall.

20 Do you remember whether your relationship or dealings with the Jacobs brothers, Prolet, was discussed?---I think more than the relationship, it was their, their, their dealings in that area in regard to their proposals or dealings with East Rhodes precinct and not, not much to do, well, I can't recall if it was to do with relationships.

How would you describe your relationship with either of the Jacobs brothers/Prolet?---Mmm.

What relationship did you have with them?---I'd call them acquaintances. I wouldn't call them, look, I, I call a lot of people "friends" and "brother", I mean, that's the way I speak but they're not my brother and they're not friends as in relationships. I'd call them acquaintances that I would occasionally see in front of my building on the way to council.

30 What about people who you travel overseas with?---Mmm.

What do you call them? Friends?---Look, well, I call a lot of people "friends" - - -

Do you call the people and do you regard the people you travelled to Shanghai with, for example, friends?---Yeah, not in, I call a lot of people "friends" - - -

40 Just focus on my question.---There, there's a few close friends that I have.

Stop, please. Just focus on my question, please.---Mmm.

The people who you've taken boys' trips with to Shanghai, do you regard them as your friends?---Some of them I do.

Who?---Frank Colacicco is a close friend. Joseph Chidiac is a, is a close friend.

Is that it?---Well, the others I occasionally see. They're acquaintances. I don't go to their place. I don't spend time with them and their families.  
10 They don't visit my place, I don't visit them. So they're, they're more acquaintances.

Are you suggesting that Pierre Jacob, who you travelled to Shanghai with in March 2018 on a boys' trip, is not a friend? Is that what you're saying under oath?---Yes. He's not a close friend. He's, he's - - -

I didn't ask about close friends. Is he a friend?---I call a lot of people friends.

20 Answer my question, please.---No, he's not a friend.

How did he end up on the trip?---You'll, you'll have to ask him.

No, I'm asking you. Do you know who invited him?---I don't remember who invited him.

You were happy to travel overseas with Pierre?---Why not?

Well, that's what I'm asking you.---Well - - -  
30

You had a friendship, relationship with him.---Well, you know, I, there's no close friend relationship.

No, go back to my question. You were happy for him to go on this boys' trip with your close friend Mr Colacicco and Mr Chidiac?---I didn't mind who came along. It wasn't me that was arranging the boys' trip. There was a number of people that came along.

Well, why did you, if you're not, you don't have this friend, friendship with  
40 Mr Pierre Jacob, why did you invite him to your mayor Christmas functions back in 2014?---Along with about 400 other people.

Why did - - -?---Well - - -

Can you please answer my question, Mr Tsirekas?---Yes.

Why did you invite Pierre Jacobs to your Christmas function in 2014?---The mayor invites the community.

10 Why - - -?---The mayor invites sporting groups, clubs, churches, schools, people that are involved locally and contribute locally to whatever. But the mayor invites 400 people, not just one person.

Now answer my question, please. Why did you invite Pierre Jacob?---I don't know why.

Well, you've just given some examples as to why you did it. What of those examples apply to Pierre?---He lives in the community.

20 So you invite every person who lives in the community to your Christmas function, do you?---As I said, people - - -

Do you invite everyone who lives in the - - -?---Well, I'm trying to explain it. No, I don't. But can I explain it? People that get involved in the community, people that, you know, do things locally. People that I know that, you know, that, that are living close to the community get invited. There was over 400 people invited.

You invited him because he was Joseph Jacobs' brother, correct?---No.

30 You invited Joseph Jacobs that year.---He may have been invited on – what year are we talking about?

2014.---I don't know if I – look, I couldn't tell you who was on the invitation list then. If you're saying so, he was, yeah, I don't, I don't know.

40 Could we show the witness volume 3.2, page 19. I'll just draw your attention to Ms Gibson's email to you on 31 October, where she asks you, "You added Pierre Jacobs to the list. Can you tell me where to look for his contact details? Can you please advise re the names below?" And your response is "He's Joseph Jacobs' brother."---Yes, I can see that.

Yeah, so let's just focus on Joseph Jacobs at this time in 2014. What did you understand his role in the community was back in 2014, Mr Tsirekas?  
---Well, he was, he was a local. People knew of him.

I'm asking you about - - -?---I, I'm trying to explain. I, I'd bump into him in the street as I would a number of people. They would find out that I would be having a Christmas party, a lot of them would invite themselves. So, I would also try to engage as many people as I can to be part of the community. Many people that came along to the Christmas party would,  
10 would invite themselves and ask to be included.

Well, can I suggest this to you, what if this was suggested, that you were inviting Pierre and Joseph to your Christmas party, or the mayor's Christmas party in 2014, because by this stage you had started to develop a friendship with them?---No, I disagree with that.

Do you disagree that you had developed a friendship with Joseph Jacobs by 2017?---Again, I don't consider him as a friend. I, I consider him as an acquaintance, one that I would bump into occasionally and certainly that  
20 increased, you know, at a later stage when he was concerned about, you know, what was happening in Rhodes. That was mainly coming from him, not me.

Could I ask the witness be shown volume 6.3, page 2? Mr Tsirekas, these are text messages on WhatsApp between yourself and Mr Joseph Jacobs. Do you see that?---Yes, I do.

So the blue balloons are texts from Mr Joseph Jacobs. So we see the first one's the 12<sup>th</sup> of August, 2016 where he sends you a meme, do you see that?---Yes.  
30

Go to the next page. He's sending you further text messages in early 2017. Do you see that?---Yes. I do.

The reference to, the second one to the bottom of the page, "Ronny's movie set", do you understand or remember who Ronny was?---I think it may have been a relative of his.

You understand that from conversations you had with Mr Joseph Jacobs.  
40 ---I, I think he's informed me once that, he may have been a relative or a friend, I'm not too sure.

Well, what I want to suggest to you is that around this time you must have had that conversation with Mr Joseph Jacobs.---Oh, okay.

Because when he sends it to you, “Ronny’s movie set”, it seems to suggest that he would understand that you know who Ronny is. Would you agree with that?---I, I would agree with that, yeah.

Go over the page. The message is from you in the green.---Yes.

10

And if we go down to 9 July, Mr Jacobs asks you, “Tuesday evening with JK. Let me know a time. Thanks.” Now, Tuesday evening with JK you understood to be John Kinsella?---That’s his initials.

But you understood it to be John Kinsella.---Well, I don’t, well, it appears to be, yes.

Did you understand it to be Mr Kinsella?---No, I didn’t understand it then. It appears to be. That’s his initials.

20

Yeah, I understand that they are his initials and I can read that and I understand that John Kinsella’s initials are JK. I’m just asking you about, when Mr Joseph Jacob sends you this text message and refers to “Tuesday evening with JK”, you must have understand that he was referring to Mr Kinsella.---Well, I’ve already mentioned, referring to [REDACTED] or something as well.

Well - - -?---I’m not too sure.

30

Well, certainly [REDACTED] and Kinsella start with different letters.---That’s what I’m saying.

Yeah, so - - -?---And I agree with you with the letters, but he may have been referring to [REDACTED], as well, I’m not too sure.

I want to suggest you, Mr Tsirekas, that you didn’t understand him to be referring to anyone other than Mr Kinsella?---This, this happened five years ago. I can’t recall all the conversations or messages.

40

Mr Tsirekas, I want to suggest to you that you didn’t understand him to be referring to anyone other than John Kinsella at this time in July 2017, Mr

Tsirekas?---I, I'm trying to answer this, best to my recollection. It happened five years ago. I get a lot of messages. It could have been referring to [REDACTED] [REDACTED] - - -

How many messages did you get from Mr Joseph Jacobs over the years referring to a JK that doesn't refer to Mr Kinsella?---Look, I don't - - -

Just focus on Mr Joseph Jacobs.---Yeah.

10 Don't focus on all your other people.---Sure.

How many times did you get messages from Mr Joseph Jacobs referring to a JK that wasn't Mr Kinsella?---Look, I, I, I can't tell you that. I can't give you a number.

Please go to the next page. Mr Joseph Jacobs is sending you these text messages with photos of trips he's on?---Yeah.

20 Is that right? You understood that?---Sure.

So he's sending you his photos. He's overseas or on trips and he's sending photos to you?---Yeah. Yeah.

So then you respond in this green text, "JK, 7.00pm. He can pick the location." So you must understand who JK is, Mr Tsirekas. It's Mr Kinsella.---Well, that's his initials but I can't recall exact conversation of five years ago. I'm trying to answer it best I can.

30 Well, I want to suggest to you you're not.---Well - - -

What would you say about that?---No, I am. I'm trying to - - -

Who else do you refer to as JK?---That's his initials, I agree. But if you're asking me to remember a conversation five years ago, I can't.

I'm just asking you who else you refer to as JK with Mr Joseph Jacobs? ---Well, again, it could be John – I don't know. It's, it's his initials, definitely.

40 More than probable that you're referring to John Kinsella. Correct?---Well, I can't recall the conversation five years.

Yeah, but it's more than probable that this is a reference to John Kinsella, Mr Tsirekas?---That, that's his initials. I agree.

My question's different. Do you understand my question? It's more than probable that that's who you're referring to, John Kinsella?---Well, look, I, I wouldn't want to answer that 'cause it might not be him.

10 Well, I'm asking you to answer it.---Well, it might not be him.

More than probable?---I, it - - -

More than probable John Kinsella?---Well, I, I don't want to engage in probabilities.

Well, I'm asking you to.---Well, I, I don't know. I couldn't answer that 'cause I know at that stage, we were trying to talk to [REDACTED], as well.

20 Well, we're talking about a JK.---I understand that and I'm trying to answer it the best I can.

I'll show you the next page. Just have a look at these messages between you and Mr Joseph Jacobs.---Yeah.

I can take you through - - -?---Sure.

30 - - - more and more of these messages if you would like, but I just want to put this to you. What would you say if it was suggested that the type of exchange between you and Mr Joseph Jacobs demonstrated that the relationship between you and he was more than acquaintances but, in fact, you were friends. What would you say about that?---No, we, we weren't friends. He was engaging me at this stage for a particular reason to, you know, the issue with East Rhodes, he was concerned about and he was trying to engage me, but - - -

Well, Mr Tsirekas, you weren't on the council at this stage, so - - -?---Yes, I - - -

40 - - - why do you say he was engaging you about East Rhodes when you weren't on the council?---Because he knew that I was still keen to understand what was happening in, in the, in the area.

How do you know that? Is this because you've had some conversation with him, you met up with him, you sat down, you've had your coffee - - -?---No.

- - - you said, "Joseph, look, I'm going to get back onto council. I'm interested in what's going on." Is that the type of conversation you were having with him at this stage?---Look, I, I can't recall each conversation but again, if I can just - - -

- 10 Is that the gist of the conversations?---No, well, no, I can't recall every conversation. We would, of course, bump into each other. [REDACTED] [REDACTED] I'd frequently see him walking up and down the street, on the phone and we, we'd engage. But again, I wouldn't call him a close or a friend as, you know, someone that I, you know, go out with, families, or go to his place or he'd come to my place.

Is he someone that you would ask to go out and have a drink with when you're on a family holiday with your partner?---You're referring to Hawaii?

- 20 No, just answer my question.---Well, you are referring to Hawaii, so just come to the - - -

Answer my question.

THE COMMISSIONER: Please, just answer the questions. We'll get through this much more quickly.---Apologies, Commissioner.

- MR DARAMS: You see, so you call him this acquaintance. You're trying to make this distinction he's just an acquaintance, he's not a friend. But  
30 he's obviously someone who you would be inviting out to have a drink with you, who you want to catch up with when you're on a holiday with your partner, correct? Yes?---Yes, correct.

He's on a holiday with his family.---Yes.

But you want to invite him out and have drinks with him, correct?---Isn't that a natural thing that anyone would do if you bumped into someone, and someone you knew, and - - -

- 40 Just answer my question, please.--- - - - you knew, you'd invite.

Just answer my question, please.---There was no real - - -

I want to suggest to you that that is another example that demonstrates that Mr Joseph Jacobs and you were more than just acquaintances, you were friends. You were on your holiday with your partner in Hawaii, and you invite him out for drinks on multiple occasions, correct?---Well, I don't know how many occasions, but I did that with a number of people that were in Hawaii.

10 Well, let's just focus on Mr Joseph Jacobs.---But I'm trying to put it in perspective.

No, I'm asking you about Mr Joseph Jacobs, please.---Yeah, well, okay, well, he's not a close friend. He's someone that we bumped into and I think just being, you know, friendly as, you know, you bump into someone overseas that you know, you, you catch up. It wasn't done with the partners. We just had a drink. I think - - -

20 Let's go to page 18, please.---I don't know how many times we caught up.

Yeah, 6.3, page 18. So just text message from Mr Joseph Jacobs, 23 October, 2017, "10.00am okay? We will go to Rhodes BBG office." You respond, "Can we meet around 1.00pm instead of 10.00?" So obviously, would you agree with this, it's Mr Jacobs arranging a meeting with Billbergia at their offices, correct?---Yes, but just – sorry, can I just, the top one first.

30 Scroll down. You want to go back to that other - - -?---Yes, I just want to quickly read it if I can. All right.

Why are you sending that to – it's obviously a message sent to you personally, is that right? From Maria - - -?---Which one, the top one?

The green, yeah, the green one, Maria Atkinson.---Yeah, yes, yes.

You forward that on to or send it on or copy it or whatever you do to Joseph Jacobs.---Yes.

40 Why are you doing that?---'Cause I knew they had a lot of interest in it and I'm sure they would have already known about the launch.

Why did you send it on?---I can't be - - -

Don't worry about whether they knew about the launch.---Oh, look, I can't recall.

Yep. But you were, you were obviously prepared to attend a meeting with Mr Joseph Jacobs and maybe others, and persons associated with Billbergia, right?---Well, that was the invitation from Joseph Jacobs, and I then replied, "Can we meet around 1.00 instead of 10.00," and I don't know if that  
10 meeting ever happened.

My question was you were obviously interested in meeting with Mr Joseph Jacobs and Billbergia because you don't reply, "No, not interested, go and deal with it in council with council staff," but "Can we meet today at 1.00 instead of 10.00."---Well, I was the mayor back then. This is the biggest, largest project in my area. They were putting forward their proposal. So of course I had interest in finding out what was happening in the local area.

Is that an answer to my question? Sorry, is the answer to my question  
20 "yes"?---What was, what was the question, that why did I show interest?

Perhaps just focus on the questions, please, Mr Tsirekas.---Sorry.

It'll go much quicker. You were obviously interested in wanting to meet up with Mr Joseph Jacobs and Billbergia because you don't respond "No, you should have those meetings with council staff in council chambers," you respond and say, "Can't do 10.00, can we do 1.00?" Demonstrating you were interested.---Yes. And I have given that answer why.

30 Could I ask that the witness be shown volume 6.14, page 78? Page 78, please, 6.14. This is an extract of WeChat conversation of the participants who went to Shanghai in March 2018, Mr Tsirekas.---Yes.

Just going down these names. So Joseph, that's Mr Chidiac? You remember Mr Chidiac being on the trip?---Yes. 2018, yes.

Angelo being yourself?---Yes.

Who was Mr T?---I don't know.  
40

Who else went on this trip, Mr Tsirekas?---I can't recall all the people.

Frank, is that Frank Colacicco?---More than likely.

Frank Mercuri is Mr Mercuri, right?---Yes.

And then we've got Pierre Jacob.---Yes.

What about China Doll?---I don't know. I can't, I don't know who that is.

10 Do you know who else went on this trip?---Not off the top of my head.

Would it help you if I showed you some of these text messages or not?  
---Oh, look, not off the top of my head, I can't recall Mr T and China, I don't know. I can't recall off the top of my head.

Was Tony Pace on one of these trips?---Yes, he was. On one of those trips, yes.

20 Yeah. Would he be called Mr T?---Who, who were the others on that trip?

Well, we've got yourself, we've got Mr Chidiac, we've got Frank Colacicco, Frank Mercuri, Pierre Jacob, we've got a China Doll and a Mr T that we can't -- I'm just asking you to help me out.---I don't know Gerard McSpadden was on that trip or not.

Mr McSpadden was on one of these trips?---One of them, yeah.

30 THE COMMISSIONER: Sorry, and China Doll is a reference to?---Oh, yeah, look, I can't - - -

Who is that?---Off the top of my head, if you've got the list of people there, I, I don't know.

MR DARAMS: Well, I'm asking you to just - - -?---I, I can't recall who, you know, who changed their name to China Doll and Mr T.

Mr Mercuri was a friend of yours, wasn't he?---Yes.

40 Mr Colacicco was a friend of yours?---Colacicco, yes.

And Mr Joseph Chidiac's a friend of yours?---Yes.

Is Mr McSpadden a friend of yours?---Look, I would call him a friend, yes.

What about Mr Pace, Tony Pace?---More of an acquaintance.

So we've got, on the assumption that one of Mr T or Mr China Doll is Mr McSpadden and the other is Mr Pace, so we've got all friends of yours barring, you say Mr Pace, who you say more of an acquaintance, and Mr Pierre Jacob who you deny is a friend of yours, on this trip. Is that right?

10 ---More, more of an acquaintance.

Yeah, I know. You deny he's a friend.---Yeah.

Don't you?---Yes.

Who was Mr Pierre Jacob friendly with out of those persons?---He, look, I'm pretty sure he would have known Joseph Jacobs.

20 Well, Joseph Jacobs isn't on there.---Sorry, Joseph Chidiac, apologies.

Well, why do you say you would have known him?---Why would he have known him?

Yeah, why do you say that?---'Cause I've seen them together.

Okay. Do you say that Mr Joseph Chidiac and Mr Pierre Jacob are the friend link there, are you? That's the reason why Mr Pierre Jacob is on the trip?---Oh, look, you'd, you'd have to ask Pierre Jacobs.

30 I'm asking you. Is that your understanding?---I, I can't answer for them two.

I'm asking is it your understanding?---That's why he got invited?

Is that your understanding, that Mr Pierre Jacob was on the trip because of his friendship with Mr Joseph Chidiac?---No, it's not my understanding.

40 What is your understanding as to the reason? Why did you - - -?---I, I don't - - -

Can I just finish my question?---Well, I'm trying to answer. Sorry.

What is your understanding of the reason Mr Pierre Jacob was on this trip?  
---I've got no understanding. He was probably invited, interested and came along.

Clearly he was interested and clearly he attended. I'm just trying to understand. Do you know, who of these individuals might have invited him so we can understand who he might have been friends with?---Yeah, look, I can't, I can't answer that for Pierre Jacobs. I don't know.

10

You deny that it's your relationship with him as the reason why he ended up on this trip to Shanghai?---Look, I can't, I can't recall.

I'm just asking you, do you deny that it's your relationship that was a reason for him being invited on this trip? Yes or no?---I can't recall.

Do you deny, yes or no, that it was your relationship with him was one of the reasons why he was invited on this trip?---No, I'm not denying it.

20

I want to suggest to you, Mr Tsirekas, that by no later than this time in March 2018, you were in fact friends with Mr Joseph Jacob and had been friends with him for a number of years. What do you say about that?---No, I wasn't.

You had caught up with Mr Joseph Jacobs either alone or with his brother and had coffees with him, correct?---Correct.

You'd had lunches with him, maybe a pizza or something like that with him?---Correct. As I do with a lot of people.

30

They lived – let me finish.---(not transcribable)

I'm not focusing on other people. If I ask you about other people, I'll identify their names. I'm just focusing on - - -?---Sure.

- - - the Jacobs brothers for this moment. You would run into them regularly [REDACTED].

---During certain periods of time, yes, but not on a, a regular basis, no.

40

You'd also meet up with them and Mr Bruzzano?---Again, not on a regular basis. It was infrequent. They both had offices outside my place and I

would, on occasion, see them out in the street and we would go and have a coffee or a bit of lunch.

Just want to ask you some questions about the cash that you stored in your home, the cash you say you used for the travelling. You say you stored that either in a travel bag, is that right?---Yes.

Or in a shoebox?---In a box, yeah.

10 Do you disagree with a description of a shoebox, do you?---Well, it's a shoebox.

Yeah. Well, boxes come in all - - -?---Shoebox.

Sorry, let me just finish. Do you accept this, boxes come in all shapes and sizes, but if you say "shoebox", you have a fair understanding of what a shoebox looks like?---Correct. Correct.

20 Could I ask that the witness be shown volume 5, page 1? Mr Tsirekas, I'm showing you a graph that has been prepared by Commission officers from your financial records, bank accounts and the like. So you understand that. ---Sure.

I just want to know whether you are able to help me out and explain some of these amounts. So 2014, you, for part of that year, you - - -

THE COMMISSIONER: Perhaps if you just let Mr Tsirekas orientate himself to the diagram? See along the bottom axis, you've got the years 2014 through to 2020?---Yes.

30

It's a coloured diagram. Different colours are shown there.---Yes.

Okay.

MR DARAMS: It should be self-evident but if not, Mr Tsirekas, so the table at the top of the page - - -?---Yes.

- - - you can see that those columns are calendar year?---Yes.

40 The amounts included in there have been extracted from your financial records for those calendar years?---Yes.

They've all been, and you can see the total for each calendar year at the bottom of the page, sorry, the bottom of the table. You see that?---Yes.

2014, you lived, was it about half the year at home with your parents?  
---Yes.

Moved out and then you were living by yourself in that accommodation.  
That's right?---Up until when my daughter moved in, yeah.

10

When did you say your daughter moved in?---Could be 2015, part of 2015?

How long did she live with you for?---She's still living with me.

See the, it seems to be a marked decline in your what I'll refer to as living expenses from 2015 increasing again in 2019. Do you see that?---Yes.

Are you able to give us an explanation as to why there is that decline in these living expenses?---No, not really - - -

20

For example, let's just use 2016. For the entire year, you spent \$271.29 on groceries?---Mmm.

On your electronic records?---Sure.

That seems like an awfully small amount for groceries for an entire year, Mr Tsirekas. Can you explain how it is you only spent \$271 on groceries that year?---Look, I, I'd be going out a bit, my daughter would buy, you know, even today, my fridge hasn't got much food in it, but I don't, I'd be staying with my parents, eating with my partner - - -

30

Let's just understand one of the answers you've given. So you said you were eating out a bit, although it looks like in that year, 2016, you compare that to the year before, the restaurant spend, even that goes down for, there's a difference there. So if you were, on the one hand, buying less groceries because you were eating out, one would think that your spend on restaurants would increase, Mr Tsirekas. That would be logical, wouldn't it?---Look, not, not really. I would be - - -

40 Just stop on that answer.---Not really.

Focus on this question, the proposition I put to you. If you, in answer to why your grocery spend was about \$271 in 2016, you suggested, "Well, I was eating out a bit." What I would suggest to you then is if that was the case, you would expect to see spending on restaurants increase, wouldn't you?---No, not really.

Why not?---Because I would be eating at my parents' place, I'd be eating out with my girlfriend, partner, sorry.

10 Who was paying when you were eating out with your partner?---We would eat locally, we would both share the - - -

No, I didn't ask you - - -?---We would both share.

I didn't ask you where you were eating.---Mmm.

So for the entire year you paid \$693 on restaurants. \$693 on restaurants for you and your - - -?---That's what it's got there.

20 - - - partner.---That's what it's got there.

So a little over \$1,000 for the year for your food.---That's what it's got there. I can't answer that.

Can you assist us or explain the change between 2015 and 2016 in relation to the restaurant spend?---As in what, as in - - -

Well, there seems to be a difference between the spend. So let me put some alternatives. One alternative is you just decided to eat out less. Do you  
30 accept that?---(NO AUDIBLE REPLY)

Just go with my alternatives.---Yeah, yes.

Yeah. That's one alternative, correct?---Correct.

Does that recollect with what you did between 2015 and 2016, you decided to eat out less?---And I, I don't think I was on council either then, so - - -

I'm just putting alternatives to you.---Sure, sure.  
40

So one alternative is you decided to eat out less, that's one alternative, correct?---Yes, yes.

Another alternative is you don't change your eating out patterns but you pay for it using cash. That's another alternative, isn't it, Mr Tsirekas?---Yeah. Look, I can't recall - - -

Just focus on my alternatives.---Yeah.

10 Because I want to see whether there are other alternatives.---Sure.

So, one alternative is you decide between 2015 and 2016 to eat out less, that's one explanation, correct?---Yes, yes.

Another explanation is that you don't change your eating habits, in terms of how often you would eat out, but you would pay or use cash to pay when you were eating out. That's another alternative, isn't it?---Look - - -

20 Is that another alternative?---It's six years ago, I can't recall every time that I went out and how I paid for it or who paid.

THE COMMISSIONER: I think you're being asked to not recall specifically what you did six years ago.---Sure.

Just examining possible alternatives or explanations, possible alternative explanations, that's all we're doing, as I understand, that's what Counsel's doing at the moment.---Sure

30 MR DARAMS: So just on that, Mr Tsirekas, so the other – sorry. When I say “the other” I should say another explanation for the change is that you haven't changed your eating out habits or patterns, but when you do eat out you pay cash.---Well - - -

Or pay cash for some or part of your meals.---Sure. I, I know what you're putting but I cannot recall that far ago and I - - -

THE COMMISSIONER: No, but we're not - - -?--- - - - I could have changed my eating habits.

40 I'm not wanting to interrupt too much with your answers. You keep saying that “I can't recall.”---Yeah.

We're not dealing with recollection.---Sure.

It's just an alternative scenario.---Yeah.

One might be, might not be, but I think all Counsel's trying to do it is just go through whether there's a third or possible alternate explanation, I know not. But, well, we'll just eliminate any that's not a possible, that's all. It's not an actual, it's only a possible explanation.

10

MR DARAMS: So just we've got the first alternative or first explanation, you just changed your eating patterns, that's one alternative, you accept that?---Yes.

The second alternative is that you don't change your eating patterns or habits, but you pay for more of the meals using cash, you accept that as an explanation or possible explanation?---No, I don't. Again, I can't recall six years ago my eating habits.

20 THE COMMISSIONER: No, no, no, no. We're not – Mr Tsirekas, you're acting contrary now to my - - -?---All right.

- - - well, I thought it was just a polite guide.---Apologies.

I don't want to have to direct you, but you keep saying, "But I can't" – we're not dealing with recollection. We're just dealing with theoretical possibilities, that's all. And Counsel may be dealing with this and other matters, I don't know, but if you keep - - -?---Sure.

30 - - - going on with "I can't recall" when your recollection is not in issue, then we just have to keep repeating and repeating and repeating the question until we get an answer to what have merely been put forward as theoretical possibilities.---Sure.

They may not accord with fact, of course. You understand the exercise? It's commonly done in - - -?---Yes, Commissioner.

40 - - - in cases before courts. You're putting forward an assumption, you're putting forward a possibility. Whether the assumption or the possibility is valid depends on other evidence, of course. You understand the nature of the exercise?---Yes, I do.

That's all we're doing here, not "I recall". You're not being asked to say what you actually recall happening.---Mmm.

All right.

MR DARAMS: So the second alternative, Mr Tsirekas, and just so you do understand, I'm not suggesting you did one or the other or not. I'm just saying these are alternatives. So the second alternative I suggested is that  
10 when you ate out in 2016, you were using cash to pay for some or more of your meals. That's a possible explanation, correct?---I don't know.

Another explanation is, or possible explanation, Mr Tsirekas, is that you ate out, didn't change your habits, but the people you were eating with paid for your meals. That's another alternative?---Yeah, but I don't know. I don't remember.

I'm not asking you to remember, I'm just asking - - -?---I don't know.

20 But do you not agree as a matter of logic, that's all I'm asking you about, to explain the changes. I'm just putting as matters of logic possible explanations. So doing it again, you've accepted one of them. But as a matter of logic, the second explanation I put to you was you paid cash for part of these meals because you don't change your eating habits. You paid cash for those meals. That's, as matter of logic, a possible explanation, do you agree? As a matter of logic, do you agree?---I wouldn't like to agree on something that I can't remember on. I agree that it is possible but I don't - -  
-

30 THE COMMISSIONER: Mr Tsirekas, remember what I just said to you - -  
-?---Yes, Commissioner.

- - - a moment ago about recollection. Let's try this question again.

MR DARAMS: As a matter of logic, a possible explanation for the change, where you don't change your eating habits, is that you're paying cash for part of these meals, some or all or part of these meals. That seems to be right, doesn't it, as a matter of logic?---Look, I can't recall. I can't recall that long ago if - you're trying to say that I was paying cash, I can't - - -  
40

THE COMMISSIONER: And when you say “I can’t recall”, you know you’re acting contrary to my instruction to you a moment ago, which was designed to assist you?---Yes, Commissioner.

Nothing to do with your recollection and yet you keep putting back “I can’t recall”. Mr Tsirekas, I’m trying to assist you in the sense that a witness who starts to display an aversion to answering questions or avoidance, it doesn’t help that witness at all because the Commission’s got to evaluate the evidence of witnesses, and part of the evaluation is, well, how did the  
10 witness respond? Did he respond frankly and just answer the question or did he not? See, so that’s the explanation that accompanies my advice to you - - -?---Sure.

- - - as to how to handle questions. I’m not giving advice as such. You’re free to reject anything I say. I’m trying to assist you but I’m also trying to assist the Commission get through its work so that we don’t have to keep repeating questions over and over. Do you understand?---I do understand, thank you.

20 MR DARAMS: Are you able now with that assistance from the Chief Commissioner to answer my question as a matter of logic about the second alternative explanation I suggested?---As a matter of logic, that could be one possibility.

Another possibility would be the third matter I put to you, and I’ll put it again. As a matter of logic, you could be eating out but being funded by friends. Correct?---Wouldn’t say “funded” - - -

Well, they’ll pay for your meals?---No, well, 2016 I did a lot of travelling. I  
30 was away from home a lot. And, again, my habits about going out, I, you know, I can’t recall the amount of times that I went out and, and socialised. I can’t recall.

Well, just, again, you’re slipping back into this recollection point that I’m not asking you about.---Yeah.

I’m just asking you about as a matter of logic another alternative - - -?  
---Sure.

40 - - - to explain the changes if you don’t change your eating habits, in terms of eating out, is that you eat out with other people and they pay for your

meal for you? As a matter of logic, that seems to be an explanation.  
Correct?---Yeah. On occasions, I would go out. Yes.

Can I just ask you this? Are you deliberately not answering my question?  
---No, I am answering your question.

So I'll go back and ask it again. As a matter of logic, a third alternative to  
explain the change in the amounts that have been spent on restaurants if you  
don't change your eating habits is because someone else is paying for that  
10 for you?---You, you're asking me to guess now.

No, I'm not.---Yes, you are because I can't recall six, four, six years ago.

I'm asking you to use your logical intelligence - - -?---Yeah. Sure.

- - - to just rationalise an explanation. That's all I'm asking you.---Yeah.  
Well, well, it could be, yes.

Yeah. Can I just, well, I could ask you the same questions, for example, the  
20 change between 2015 and 2016, as a matter of logic, you could have, on the  
one view, one explanation, just decided you're going to buy less groceries  
and eat less food over the year. Is that one explanation?---I, I wasn't home  
much, so my grocery bills, you know, were low. That's my explanation.

Just that you weren't home much so therefore that's how your groceries  
decreased?---Well - - -

Another explanation is that - - -?--- - - - and my daughter was there, too,  
buying groceries as well.

30

That's what I want to ask you. Do you say that your grocery bill in your  
household actually was more and it's because your daughter was buying the  
groceries? Is that what you're saying?---That could be one possibility, yes.

I'm just asking you is that the case? Do you - - -?---Well, she would buy  
groceries for herself, yes, and dinner.

But what about you?---I - - -

40 Did she buy groceries for you?---Well, she'd buy the staples, yes.

Right. Did you refund her or pay her back this?---No.

Why not?---My daughter living with me is not, I'm, you know, she's helping me, I'm helping her.

Right. So is that your explanation for the groceries, the change in groceries, because your daughter was paying for the groceries?---Some of the groceries, not all.

10 So which daughter is this?---Helena.

Right. That's the one that still lives with you. Is that right?---That's right, yeah.

So she would be able to assist us in this, is that right?---Yeah, you know - - -

Yeah, okay. So your explanation for the change in the grocery spend is because your daughter was buying the groceries?---Yeah. Again, not all, and I said "staples". I didn't say all the groceries. She'd buy her own food.  
20 I, I'd eat my own food. And, normally, you know, either at my parents or with my partner or at council or functions.

What about the change in entertainment from 2015 to 2016, any explanation you can give for the change in that amount?---No.

We could go through the alternatives, couldn't we, that I put to you in relation to the change in restaurant spending, that is one alternative is that you changed your habits, that's correct, that that reflects why there's a less amount spent as a matter of logic, correct?---Could be one of many, yeah.  
30

Well, I'm just putting them to you and I'll ask you to tell me the ones that I don't cover. So one is you changed your habits.---Yes.

Alternatively, if you don't change your habits, is that you use cash to pay for your entertainment, correct?---Yeah. Could be one of many, yes.

That's another one of them.---Yeah.

Another alternative is someone else is paying for your entertainment on  
40 your behalf, that's another alternative, isn't it?---Just explain to me entertainment, what that means?

Well, going out to movies, going out to events and things like that, that are ticketed.---Yeah. Right.

Those sorts of things.---Yes, yep. I understand.

Yeah. So you change your habits is one explanation for the drop, alternatively you pay cash when you go and engage in that entertainment, that's another alternative explanation?---Yes. Could be one of them, yeah.

10

Another alternative explanation, or an explanation, is someone else is funding your entertainment during this period of time, that's another explanation?---I can't recall anyone paying for movie tickets or, or, or entertainment.

Okay. You said there were many explanations. Can you think of any more explanations?---Well, I think the, the change of habits or not interested. I know that's the period of time that I, I was still going through a bit of, a bit of hardship with the, the Family Law Court material.

20

Which period of time are you talking about?---Well, right up until 2019.

Let's just look at these figures from a different angle or a different way now. Let's focus on the groceries. The calendar year 2018 there's \$500 spent on groceries.---Mmm.

2019 there's \$2,569 spent. Can you explain that change to us?---Not really, except that I, from, from those years I was trying to help my daughter a lot more and also trying to get a bit fitter in mind and body, so I was spending a lot of money on, on my food.

30

No, we're talking about groceries. But you seem to have also, if I could suggest, it seems slightly inconsistent because you also increase significantly your spending on restaurants. Now, I understand the fitness explanation.---Yep.

Maybe you would eat more groceries, more healthy groceries, but it seems to be inconsistent when your restaurant spend goes up though, doesn't it? ---Look, I was back on, on, on council, I had a steady wage from the council and - - -?

40

Well, I'll just stop you there. Can I understand that? You were back on council in 2017 though, Mr Tsirekas, and if that was the explanation for this, what I would suggest, is a pretty significant increase - - -?---Oh, sorry, what year, '16?

No, I'm asking you from 2018 to 2019 and you did understand that's what I was asking you about.---Sorry, yep.

10 One of the explanations you gave, you've given you were getting into fitness, that's my explanation, and I said that might explain why you spent more on groceries, but then I suggested to you it seems a little but inconsistent if you were on this fitness regime that you would also then significantly increase your spending on restaurants, that's right?---Look, I can't answer that. We, we increased going out and the spend was higher.

20 What if I suggested to you that what changed in 2019 is that you started using electronic means of payment more than using cash to pay for these things like groceries, restaurants and the like? What if that was suggested, you changed your habit to using electronic payments?---I, not really, I still withdraw cash sometimes to pay for things.

Well, see, these are all figures drawn from your financial statements. ---Sure, I understand that. Yeah, yeah.

It's clear, isn't it, from this that there seems to be – unless there's a significant change in your patterns and behaviour – more of these expenses are now, in 2019, being paid by electronic means or where there's a record of the payment, correct?---Yeah, I can see that, yes.

30 And on the assumption that your habits haven't changed during this period of time, it might suggest that the other means that you were paying for all these expenses had, during that period of time, had decreased or changed. For example, it looks like you changed in 2019 to using electronic payments as opposed to paying cash for a number of these expenses. On the assumption that your habits haven't changed in that period of time, what would you say about that?---Yeah, well, my, my habits were changing. And I was still withdrawing cash at stages, yes.

40 But it's the case, isn't it, in June 2019 that ICAC executed its search warrant on your premises, remember that?---That's right, yes.

So what if it was suggested to you that the execution of the search warrant led to you changing the way that you behaved in terms of paying for your living expenses, Mr Tsirekas? What would you say about that?---No, I disagree. And - - -

Do you say - - -?---Can I just answer further, with the raid, they did take my living expenses that I had in the bag with them.

Sorry, what - - -?---They took the cash that I had in my residence.

10

THE COMMISSIONER: That's not really a response to the question.  
---Yes, Commissioner.

Whether that be so or not - - -?---But - - -

- - - whether they took the money whilst executing the search warrant doesn't answer the question that's being put to you, which was, I think it was put in these terms that was put to you for your acceptance or otherwise, that the, from the time the warrant was executed, which I think was in June  
20 2019, you changed your way of paying for living expenses and you changed because of the search warrant having been executed on your home. What do you say in response to that question?---No, I disagree.

Okay.---And my explanation is as well that, without saying the amount, there was an amount of money that was taken at that stage.

MR DARAMS: When you say amount of money taken, you mean seized?  
---Seized, yep.

30 Seized under the warrant?---Yes, yes.

But as I understood your evidence about the cash that you kept in the shoe box or the travel bag, that was for travel expenses?---I think I said living and travel expenses, yes.

Well, where were you getting this cash for these travel and living expenses, Mr Tsirekas?---I think I told you that the amounts that I had there were over a period of time collected, and it included overseas currencies.

40 Well, you weren't using overseas currencies to pay your living expenses in Australia, were you?---No, but there was an amount of - - -

No. So just don't worry about the living, don't worry about the overseas currency.---Yeah.

So is this the answer, Mr Tsirekas, that explains this change in 2016/17/18 and between '19 is that in those years, '15/16/17/18, you were using cash to pay for your living expenses, is that the explanation?---No.

10 So then what's the relevance of the seizure of the cash in 2019 then? If you weren't using cash to pay living expenses in 2016/17/18, if you weren't using cash then I want to suggest to you then the seizure of the cash in 2019 would have no effect on this change that we see between 2018, Mr Tsirekas. What do you say about that?---No, I disagree with that.

Why do you disagree to that?---If you can let me explain that my habits had changed and also the cash that was seized was used by me for travel and living expenses.

20 Sorry, but that seems to be an answer to my questions. The proposition I was putting to you in relation to 2016/16/18, that answer you give, doesn't that mean that where there is a change in these years of these living expenses, a decrease compared to the previous years, 2014/15, the decrease is explained by you using cash to pay for those living expenses?---Yeah, look, look, I don't accept that proposition.

Then how is it that the seizure of the cash in June 2019 changes or explains the increase by the end of the year in 2019 of these expenses, these living expenses?---Like I tried to explain, my habits did change and the seizure did take some spending money that I had.

30 Well, when you say "spending money" - - -?---For living expenses and travel expenses, yes.

Well, these are just referring to, not travel expenses, there are documents in relation to travel. But I just want to explore this issue about the 2016, '17 and '18 figures and what I want to suggest to you is that, based on the answer you've just given about the seizure of the cash, that that suggests, or answers, why these amounts on your electronic statements or records are lesser, that is because you were using cash to pay for these living expenses in that period of time. Do you agree with that?---No, I don't agree with that.

40

I see.

THE COMMISSIONER: Mr Darams, we might take the morning tea adjournment. I'll resume at about 10 to 12.00.

MR DARAMS: May it please.

10 **SHORT ADJOURNMENT**

**[11.28am]**

THE COMMISSIONER: Yes.

MR DARAMS: Mr Tsirekas, just before the adjournment, I was asking you some questions about the information regarding your expenses during 2015/16/17/18/19. Do you remember that?---Yes.

I showed you the table?---Yeah, yes.

20

I understood one of your answers to one of my questions was that in 2019, the Commission seized money that you said you were using for your living expenses. Is that right?---Part of it, yes.

Part of it?---Yeah.

In terms of that, I think your evidence has been along the lines that you maintain this cash at your house since your divorce. Is that right? Sorry, not your divorce, since your separation?---Separation, yes.

30

You would use this cash, as you said, for travel. That's right?---In 2016 or '15, what, which, which travel are you, just the accumulation of the, what, what are you referring to?

I didn't understand you ever limited the time period within which you would use that cash for your travel?---No, I'm just trying to get a, gauge what you're saying now, what - - -

Sorry. My question, I don't want to confuse you.---Yeah.

40

I was just putting back to you what I understood to be your evidence - - -?

---Right.

- - - that the cash you had at home in the shoebox - - -?---Yes. Yes.

- - - or in your travel bag, you were using that for travel expenses?---Yes.

You gave, I don't know which day now, but a number of days ago, in answer to my questions, I showed you records where you had exchanged money, for example, at Travelex. Do you remember those questions?

10 ---Yes. Yes.

The answer you gave is that you got that money from the cash you had at home?---Yes.

In terms of the cash you had at home, I understand your evidence to be that that money in part was money you'd put back in the shoebox or the travel bag after you returned from trips overseas if you hadn't spent it all?---Yes.

20 But in terms of how the money came to be in the shoebox or the travel bag in the first place, is it your evidence that that came from your own sources, that money?---It, it was what I had in the box at the time but I can't recall the, the - - -

Just focusing on the box at the time.---Yeah.

When you say "at the time" what time are you talking about?---Yeah, well, 2019 I think you were referring to?

30 I'm not focusing on the money that was seized in 2019, okay?---Well, all right. Okay.

I'm focusing on the evidence that you've given about the money that was in this box or the travel bag.---Yes, yeah.

I'll just use them together.---Yes, yes.

You've said it was either in the travel bag or in the shoebox.---Yes, yep.

40 We know one of your explanations is that some of the money in the shoebox from time to time is money that you, in effect, place in there or replace in

there or put back in the box after you've travelled overseas if you don't spend it all.---That's right, yes.

But I'm just trying to understand where the money comes from in the first place and I think your evidence is that you had been collecting or storing cash since your separation.---Yes.

In the shoebox or in the travel bag.---Yes.

- 10 That cash, that comes from your sources, your own sources, correct?---I think I did give evidence that I did borrow around \$6,000 from Mr Colacicco in 2018, around, yeah, \$6,000. So - - -

Well, let's focus on that \$6,000 in 2018. Do you know at what time in 2018 that was borrowed?---Best of my recollection it was mid-2018 and then further late, late-year at 2018.

You're talking about the cash amounts now, is that right?---Yes, yes.

- 20 So there were two cash amounts, \$3,000 each?---Mmm, yes.

Why did you borrow the first three \$3,000?---I think at the time I was going overseas and I borrowed some cash. Frank was kind enough to give me the cash.

Do you remember where you were going overseas?---No. No, I can't - - -

So we're talking now about - - -?---Yeah, 2018.

- 30 Yes. But we're talking about the \$3,000 given to you as a loan, you say, by Mr Colacicco in mid-2018.---And late-2018, yeah.

Yeah. Let's just focus on, I asked you about the first, what I might say, instalment or the first loan or however you want to describe it.---Yeah.

The first \$3,000 amount.---Yes.

Just focusing your attention on that.---Yes.

- 40 You borrowed that to go overseas or to use for your expenses overseas? ---Yeah, yeah, for expenses, yeah.

So you recall you went to Shanghai in March 2018?---(NO AUDIBLE REPLY)

Well, I'm telling you that's what you did.---Yes, yeah.

I took you to some text messages - - -?---Took me through the holidays.

- - - just a short while ago.---Yeah. That was the trip, yeah.

10

But that's in March 2018. Did you borrow the \$3,000 to spend on that trip?  
---No.

No. Your next trip in 2018 was to Port Moresby in April 2018. Did you spend the money on that trip?---No.

Had you borrowed the money by that stage?---No.

20

No. So then you go to Port Moresby again in August 2018?---Yes.

Do you use the money on that trip?---No.

No. You then go to the United States in October 2018. Is that the trip you use the \$3,000 for?---I can't recall. Most of that trip was paid for so I don't know if I used it on that trip.

Just so you understand, I'm going through sequentially the trips you took in 2018.---Yes.

30

You've given evidence that the \$3,000, the first instalment, was borrowed around mid-2018.---Yes. Best of my recollection.

Your evidence is you borrowed that for the purpose of going on a trip?  
---Yes.

I'm just trying to understand what trip you took with that money.---Yeah. Look, I may have taken some of that cash on a trip. I can't recall.

40

But you just gave evidence that the reason you borrowed the money was to go on a trip.---Yes. Yes. I did and I'm trying to explain the trip to the US,

I think that was the West Tigers one. Most of that was, was paid for. I may have taken it with me, but most of that trip was already paid for.

Well, just going back to the \$3,000 you borrowed from Mr Colacicco, your evidence is you borrowed it for the purpose of a trip.---Well, expenses, yes.

I'm trying to understand which trip you used it on.---I, look, I, I can't recall as we, I said I need some cash because I'm low on cash, and, and I said I'm going to go away. I, you know, I'd like to have some cash. But that trip  
10 there, the US trip that you're referring to, would have been paid for.

Well, after that trip, so in October 2018, you go back to Shanghai. Did you use the money on that trip?---Is that 2019?

No, that's October 2018.---I may have. I don't, I don't recall. May have.

So just so I can understand your evidence, the 3,000 part, sorry, the \$3,000 cash loan from Mr Colacicco in mid-2018 was used on a trip?---To my best of my recollection, that's what I asked the, for the, for the cash, but I don't  
20 know which trip I used it on, to be honest.

There are a couple of things I need to understand in that. So the first thing you've said is that you asked Mr Colacicco for the cash.---Yes. Yes.

To use on a trip.---Yes.

Did you use the money for a trip?---I could have used a bit of the cash on a trip. I don't know how much cash I would have used on the trip. I can't recall.  
30

Well, why did you ask for Mr Colacicco, in mid-2018, to give you \$3,000?  
---'Cause I asked him that I was going to go away and I may need some cash.

But if I can understand your evidence, are you saying you may not now have used that \$3,000 on any of your trips?---Oh, look, I may have because I asked him for some more cash, so I may have, but I can't recall.

Well, let's just go to that next part. So you ask for \$3,000 more after mid-  
40 2018?---That's right, yes.

Do you know at what stage in 2018 you asked for that money?---To, to the best of my recollection, I think it was to the end of that, end of that, end of the year. I don't know whether it was - - -

Why did you ask him for another \$3,000?---'Cause I, I was going to go away again. I knew that I wanted to have some cash with me and I said, "Would you lend me another 3,000?"

10 But why do you need Mr Colacicco to lend you money in 2018 of all years?---No real reason except that I did and I wanted to go away.

Could the witness be shown volume 5A, point 2. Just focusing on 2018, putting aside 2020, this is the year when we see from your records the greatest inflow of funds into your bank account.---Mmm.

So you accept that you're back working at Canada Bay Council as the mayor, if I can use that description as working as the mayor.---Yes.

20 You get the refund from the rescission of the Abacus unit, the 81,000. ---Yes.

You get the refund of the stamp duty?---Yes.

You get the income from the cashing in, if that's a way to describe it, the Perpetual investment?---Which I gave to my, my two kids, yeah.

30 So what I want to suggest to you is it seems of all of the years, Mr Tsirekas, 2018 is unlikely to be the year that you're needing to borrow cash from Mr Colacicco on these records, Mr Tsirekas. What do you say about that?---I don't know when exactly those funds were put in but, again, I had huge expenses legally as I was going through settlement and I was trying to keep, as I said before, some cash at home and keep it away from my wife. I needed some cash flow and I borrowed that cash.

40 I might be corrected on this, but I think my understanding of when you paid your lawyers in relation to, I've understood when you just said legal expenses, I understood you were talking about in relation to your family law settlement. Am I right about that?---Yes. I don't know if I paid them that year but I needed money in my account to do that.

Sorry. No, no. That's what I was just - - -?---I'm just trying to explain it, yes.

Well, no. I just want to make sure. We're focusing on 2018.---Sure.

I didn't understand that you paid your legal expenses until later on settlement. Does that accord with your recollection?---There, there may have been payments prior to legal settlement. Throughout that period, they, they wanted payments ongoing, so there was a few - - -

10

Well, let's have a look at the outgoing expenses. Just have a look. So you see the lawyers' expenses?---Where's that, down at the second - - -

Yeah. So there's outgoing - - -?---9,000. Yes, I can see that.

You didn't say that you needed Mr Colacicco's funds to pay legal expenses, though?---No.

20 So I'll ask the question again. I'll just put this to you. It seems of all the years, that 2018 is unlikely to be the year that you needed cash loans from Mr Colacicco. What do you say about that?---No, I, I, at that stage, I was probably - - -

What stage?--- - - - low in cash - - -

What stage?---In 2018.

Yeah, but what stage in 2018?---Well, I think I've already answered the question when he gave it to me, I think it was mid and then later that year.

30

But you said you were low in cash?---Cash flow, that's right.

What do you mean by "low in cash flow"?---I didn't have any cash at home and I was asking him to give me some cash that I may be able to take away with me when I was travelling.

Why don't you go to your bank and withdraw your cash from the bank? ---No, I, I don't know. I just did it that way because I was low in cash at home.

40

My question is why don't you go to your own bank with your own resources and withdraw the \$3,000 out of your bank account?---I think at that stage, I was trying to keep the money in there 'cause it was pending legal settlement. And I didn't know when that was going to happen. It was during that period where we were constantly having meetings with my solicitor and trying to get a date for - - -

Sorry? You were trying to keep money in there 'cause it was pending legal settlement?---Yes.

10

I had understood a number of your answers before that you were being, on a number of occasions, trying to hide money, in effect, from your wife because of settlement, you didn't want to disclose it to her. And now you're saying that you were trying to keep money in the bank account because of pending settlement?---Well, no - - -

Am I wrong about the two - - -?--- - - - pending legal – sorry.

20 - - - seem to be conflicting explanations?---No. It was more the, the legal costs that I was worried about.

Sorry? Which legal costs?---My pending settlement, which I had to borrow 100,000 I think.

Sorry? I don't understand that evidence. You had to borrow 100,000 for what?---To, to proceed with the payments for my solicitors.

When did you do that?---I don't know, '19, I had to borrow - - -

30 Well, let's just focus back on 2018, because that is the year I'm asking you about.---I think I had to borrow 1,000.

My question was, in 2018, if you wanted cash at home, do I understand the reason you asked Mr Colacicco for \$3,000 in either mid-2018 or late-2018 is because you wanted \$3,000 cash at home?---Yes.

So it's not now for some travel or anything like that?---No. It was. It was cash to take away on travel or just having it for living expenses.

40 Why don't you go to your own resources, go to your own bank, draw out your own money for these cash reserves?---Look, I - - -

Why?---I can't answer that. The best I can do is that I was going through settlement, I had to balance out the, the fact that I needed some funds in the bank to pay that out. I, I was low on cash at home and I asked Frank to borrow, to lend me the money, which I paid back in 2020.

10 What if it was suggested that these amounts, \$3,000 amounts in 2018, were never loans and you never intended to pay them back, but they were payments of cash given to you by Mr Colacicco without any obligation to repay them?---No, I disagree with that.

What if it was suggested that you have come up with the explanation that these are loans after ICAC has started investigating this matter, Mr Tsirekas, and after it had executed the statement on your premises?---No. I, I disagree with that. And if that was the scenario, why would I have paid him back?

20 You didn't pay him back until well after you knew that ICAC was investigating this matter, isn't that right?---No. It was an agreement and a loan - - -

No, no. Just focus on when you paid him back because you just said to me, in answer to my "what would you say is this was put", you said, "No. Why would I have paid him back?" That was your answer?---Yes.

Let's just explore that answer. You didn't pay him back, did you, until 2020?---After, after settlement, correct.

30 So that was a period of time after you knew that ICAC was investigating this matter?---Correct.

It was a period of time ICAC had executed a search warrant on your premises, correct?---Correct.

During which amounts of cash were seized by ICAC?---Correct.

40 What would you say if it was suggested that you believed that you had to come up with some explanation as to how or why you had cash and one of the explanations you came up was the moneys that Mr Colacicco had given you were loans? What would you say about that?---No, that's not the case.

Why didn't you pay Mr Colacicco back in 2018 when you received these large sums of money into your bank account? So, for example, the amount from the rescission of the contract for the Abacus unit? Why didn't you repay him the \$3,000 then?---Why? Because it was an understanding from myself and Frank that any money owing would be repaid on settlement. Unfortunately the family proceedings took five years, not two or one or three or four, but five. So on the ending of the Family Law Court and selling the matrimonial home, I paid back a number of debts or loans or people who paid for things.

10

Just in relation to people who paid for things, you say you repaid Mr Colacicco 21,000?---Yes.

You paid Mr Chidiac 9,000?---Yes.

Who else did you repay?---I paid the financier who I borrowed the money on as well, and I think I paid - - -

20 So the financier to pay, what, legal fees, is that what you're saying?---That's right, for the court.

Don't - - -?---And I think I paid back Mr Panuccio \$1,000 I think, I think as well.

The \$1,000 being part of the payment you say Mr Panuccio gave you to upgrade your flights on one of your - - -?---2019 I think, yes.

2019. The one that you said, the amount you said you repaid back shortly after he gave it to you in a couple of payments.---Couple of payments.

30

Why did you wait so long to pay the last amount back, then?---Well, I think it just completely slipped my mind.

Well, what if it was suggested that, again, there wasn't ever any intention for you to repay these amounts of money, but as a consequence of ICAC's investigation, you have come up with an explanation or an excuse for these moneys to say that they are loans? What would you say about that?---No, I disagree.

40 Back to the \$15,000 that Mr Colacicco, you say, loaned you in January 2018.---Yes.

Why did you ask for that loan?---To the best of my recollection, I think I owed for a study tour to America the previous year.

Study tour? What were you going to study?---We were, we were looking at public and private sporting facilities, and infrastructure around sporting facilities, and looking at sports administrations and how can public and private work together. We were at that stage I think early on in the piece developing a plan to upgrade Concord Oval with the funds that we'd  
10 received from the State Government, so we wanted to make sure that we had a, a well-run, designed public-private facility there.

This study tour, is this the one with the West Tigers?---Yes.

The one that you took Mr Chidiac on or Mr Chidiac went on as well?---He was there.

You and he went together, right?---With a number of people. I didn't just go with Chidiac.  
20

So you call this a study tour, what, related to your mayoral role, do you?  
---In part, yes, it was a study tour looking at public-private sporting facilities.

Well, did council pay any - - -?---No.

Did you claim any deductions for this trip?---No.

Like taxation deductions as a part of this study trip?---No.  
30

Right. So do you say you were investigating these stadiums and the like? For what?---We were invited to a number of sporting clubs and ovals and facilities, talking to their sports administrator coaches, players, looking at how they were run, public-private, and having a look at the administration of the, the, the complexes, and also the integration of transport and, you know, sporting facilities.

So the \$15,000 that you say you borrowed from Mr Colacicco in January 2018 went to pay off expenses for that trip. That is, being the trip you made  
40 in October/November 2017?---I'm pretty sure it is, yes.

Who did you pay those expenses to?---To Wests Tigers.

So the money comes into your account and you pay the money to Wests Tigers?---Yes.

THE COMMISSIONER: How many days was that trip?---Over 10 days.

MR DARAMS: Just back now to the shoebox containing the cash in your house that you say you applied to travel expenses and living expenses.

10 ---Mmm.

So do you say that of the amount seized in 2019, that amount or part of that amount was the money Mr Colacicco loaned you for these trips, is that right?---Yes. To the best of my recollection. I can't even remember how much was seized now but to the best of my recollection, yes, it is.

So Mr Colacicco gives you \$6,000 from mid- to late-2018. You keep that cash at home?---Yes.

20 You don't know now whether you actually used any of that cash on your trips in 2018?---Look, I, I really can't recall how much or how much I actually spent or brought back, but it was part of that, that cash that he gave me.

So at a max, \$6,000 of the cash, if that amount was seized by ICAC, the maximum of that could be Mr Colacicco's cash, correct?---Look, I, I really can't recall if that was all Frank's. I may have had some money there as well, or I may have some foreign currency as well. I'm not 100 per cent sure.

30

On the assumption you don't spend, because you can't identify actually spending Mr Colacicco's cash on travel – when I say Colacicco's cash, I mean the \$6,000 cash, so you understand that's what I'm talking about. ---Yes.

On the assumption that you didn't spend all of that and you may not have spent much or any of it at all, if that was the cash that was seized for your traveling expenses and the amount didn't exceed what Mr Colacicco had given you, can you make that assumption? The amount seized wasn't more  
40 than \$6,000?---Yeah. I don't know, I can't remember.

No, no, but just make that assumption, if the amount's - - -?---Well, I don't want to assume because I don't have the figures here.

We'll come to the figures in a moment.---Sure.

Just make some assumptions for me.---Mmm.

10 On the assumption that not more than \$6,000 was seized in relation to the shoebox and the travel expenses and you placed Mr Colacicco's cash, the \$6,000, in that shoebox, you might have spent some of it, you don't know, correct?---Yeah. I don't know if I exchange or spent, spent, you know, all of it but there may have been some currencies in there. I don't know, I can't recall.

But what that suggests is that, at the time from mid-2018 you put the money in the shoebox, the box was empty.---No, I - - -

20 It had been exhausted.---Yeah. Look, I, I can't recall it. I may have had some, some cash there. I don't know how much it was.

Could the witness be shown volume 11, page 19? Just bear with me one moment, Mr Tsirekas. Mr Tsirekas, this is a letter from your former solicitors to the Commission. Do you see that?---Yes, I do.

You've seen this letter before. Is that right?---Yes, I, I would have seen it, yes.

30 Could I just ask that you be shown the next page? Do you see the sign-off by the two individuals? One of them's Ms Elliott, you identified?---Yes, I can see that.

Mr Skehan, is he another solicitor that was previously acting for you, Mr Tsirekas?---Yes.

If we go back to the first page, I just draw your attention to paragraph 5. ---Yes.

Just read that to yourself for the moment.---Yes, I can see that.

40 I draw your attention to subparagraph (b).---Yes.

There's some amounts set out there as AUD 2,400, then renminbi 4,275, approximately \$893 Australian, then AUD 2,750. Do you see that?---Yes.

That's identified in the brackets as item 6. Do you see that?---Yes.

The information that's included in this letter, do you recall whether you looked at a draft of this letter before it was sent off?---I, look, I can't remember. The, this is the information I think that was provided by the investigators who - - -

10

I was just asking you about this letter.---Yeah, I can't remember.

Could I ask that the witness be shown the next page? I just draw your attention to paragraph 11, where it says "we are instructed as follows". ---Mmm. Yes.

Then could I ask you to look at subparagraph (c)?---Yes.

See - - -?---Sorry (b)?

20

(c).---(c). Yes.

So it says, "Item 6 totalling AUD 6,043 comprises funds held by our client as holiday travel expenses."---Yes.

"Our client travels extensively. Please see enclosed his dates of travel for the past five years."---Yes.

30 So if we just go back to the preceding page, item 6, you can see is paragraph 5(b)?---5(b)?

Yes.---Yes.

So you told your lawyers that that \$6,000-odd was your travel holiday expenses?---I would have said that, yes.

Was it true when you told them that?---Yes.

40 Yeah. So we know the amount that you claimed as being holiday expenses or your holiday from your shoebox or your travel bag - - -?---Sure.

- - - was about \$6,000?---Roughly, yes.

About 800-odd is Chinese currency?---Yes.

This is what I was suggesting to you before. If Mr Colacicco had given you, well, not if, the \$6,000 that Mr Colacicco had given you in mid-2018 and late 2018, if none of that had been spent, then we would have expected to see \$6,000 in your travel holiday expenses, correct?---Correct.

10 So it looks like some amount of that has been spent of the \$6,000.---Yes, and I, yes. It would have been.

See, the proposition I was putting to you before is that you can't remember how much of the \$6,000 you spent on travel or however else you wanted to explain it. But what I'm suggesting to you is that given that what was seized from the cash, the Australian dollars didn't exceed \$6,000, it seems to be a fair assumption that when you were given that cash from mid-2018, you didn't have any other travel expenses cash at your house. Would you agree with that proposition?---No, I disagree.

20

Why do you disagree with that proposition?---I, I'd always had a bit of cash at home.

Well, what about, I'm excluding the Chinese currency which you've identified as your travel expenses, you see that?---Yes, yes, I can.

So unless you spent – so just walk it backwards, take the point in time. You get the \$3,000 in mid-2018 from Mr Colacicco, correct?---Correct.

30 You place that in the shoebox/travel bag, correct?---Yes.

That's what you said before you did with it.---Yes.

You wanted to keep cash, that's where you kept your cash.---Yes. Travel bag and a shoebox.

40 So unless there's anything more in this travel – put aside the renminbi, that might be there at that stage. We know there's at least \$3,000 in there, correct?---Just outside currencies, not Australian money, are you, that's what you're referring to?

Put aside the renminbi.---Right, yes.

You get the \$3,000 from Mr Colacicco, you put it in the shoebox/travel bag.---Yes.

There's at least \$3,000 in there when you get that.---Well, there could be more.

That's what I said.---I don't know how much is in there.

10

Well, when I said "at least \$3,000", that's right?---At least.

You then get another \$3,000 in the latter part of 2018 from Mr Colacicco.---Yes.

You put that in the shoebox as well.---Yes.

So there's at least \$6,000 in the shoebox if you hadn't spent any of Mr Colacicco's money?---At least, yes.

20

What's seized is less than \$6,000. Do you see that?---Yes.

So it seems that you've spent at least some of Mr Colacicco's money.---At least. I don't know how much of his or my money that I spent.

Yes. Well, I was going to get back to that. How much of your money was in there before you started putting Mr Colacicco's money in there?---Look, I really can't recall.

30 This is the box, you remember - - -?---Yes, I, yes.

- - - where you had been taking money out of - - -?---Yes.

- - - over a number of years to go and travel.---Mmm, mmm.

40 I guess what I'm asking you is, on one view or one assumption, if you haven't spent much of Mr Colacicco's money of the \$6,000 and Mr Colacicco's money was stored in this shoebox/travel bag, on those assumptions that one might draw is that when you started, when you were given this money by Mr Colacicco in mid-2018, there was nothing in your store of cash at home. Do you understand that?---That's one assumption.

Yeah.---Yeah.

The other assumption is that you spent more of Mr Colacicco's cash but you don't know and you can't assist us with that, can you?---No.

10 Just in terms of if you had more money up to that point in time in the box, and when I say that point in time, mid-2018, where did that cash come from?---I think I've explained it before, that I've always had some cash at home.

I know you've explained it, but where do you get it from?---I, I, I've always kept, and it's been my money. I, I - - -

Do you withdraw it out of your bank accounts?---Over many years I have, yes.

20 But why do you withdraw it out of your bank accounts and put it in the - - - ?---Because I've always had cash at home. If I can recall that period of time, '18, I've always had some money that I use for living expenses and holidays.

Is the money that ends up in the box that you use for travel and living expenses, is this money that other people are giving you to put into this box?---No.

So, so - - -?---Except for Frank Colacicco.

30 Yeah, but that's, from your evidence that's mid-2018 onwards.---That's right.

I'm looking back from 2018.---Mmm.

So on your evidence, the money that ends up in the box is money that you would draw out of your bank account to put into the box?---Yes. Over many years.

40 But why would you do that?---I think again, I tried to explain to you, from 2013/14, I wasn't living in my matrimonial home and I was staying in and not going out too much and whatever withdrawals I was taking, I was, I was saving.

THE COMMISSIONER: I don't think that quite answers the question. Do you remember the question? Why would you take money out of your bank account at CBA and then take that cash and put it in your shoebox?---As I, I always had cash once I left my, or separated from my wife. So I kept that cash at home.

10 But we're trying to understand the rationale behind it. Why would you take money that's securely in your bank account and then take cash and put it in a box at home?---No real reason except that's the way I did it, Commissioner.

MR DARAMS: Do you remember I took you to the table before where we had broken down the living expenses on your electronic records over those periods of years?---Yes.

20 One of the alternatives that I put to you, if you hadn't changed your spending habits, was that you were using cash to pay for those expenses. Do you remember me putting that to you?---Yes.

You didn't embrace that, did you, you didn't accept that that's what you were doing?---No. I, I think I said I, I accepted that at the, at the, when you said that was one assumption.

It was an assumption or alternative to explain it.---Yes.

30 But I don't think you said, "Yes, that's an explanation as to why my electronic records show lesser payments. I was using cash to do those payments."---Yeah. I think I said, I accepted that as one of the assumptions.

I know you accepted that as one of the assumptions but you don't accept that that does explain the -- well, if I call the discrepancy -- the changes in those figures.---Oh, I don't, it, it, see, I'm, I'm trying to recall and remember that period of time when you're saying that the living expenses was when I was living with my parents or living at, in the unit.

No, no. I'll show you the - - -?---2016.

40 2015. Just so we're clear, you stopped living with your parents in the middle of 2014?---'14, yes.

So 2015/16/17/18.---Yes, yes.

Could I show you another version or another version of that table but with some additional information? So this is table that was on that other document that I showed you.---Yes.

There's another entry or another line here which talks about "cash withdrawal".---Yes.

10 So these are drawn from your records as well, just so you understand. So in the year 2014, your cash withdrawal from your account was \$7,700-odd. So this is part of the year you were living at home.---Yes.

Then we move to 2015, you withdraw less cash during that year. So you withdraw \$5,000.---Yes.

Your electronic record of your living expenses decreases fairly significantly over that year, in a year when you are living out of home. Do you accept that?---Half the year.

20

Well, that's not true because all of 2015 you were living out of home.---At the unit, not my parent's place.

You moved out of your parent's place midway through 2014?---That's right, yes.

I was focusing on 2015.---Yep.

So in 2015 your cash withdrawals decrease compared to 2014.---Yes.

30

Your living expenses significantly decrease between 2014 and 2015. Do you accept that?---Yes.

You're not able to explain how in the year when you go from living at home, presumably where you're eating your parents' food and things like that, how your living expenses decrease quite significantly in a year when you are entirely living out of home. You're not able to explain that, are you?---Well, my habits did change. I was still on council 2015, 2016. I was running federally. There was - - -

40

No, you weren't in 2015, Mr - - -?---'16 I was.

Yeah, we're focusing on 2015.---Sorry, I was - - -

We'll move to 2016 in a moment.---Yeah.

Not 2015 you weren't.---Yeah. '16 I was, yeah.

Yes, we understand that.

10 THE COMMISSIONER: We're dealing, the question's, we're dealing with 2014-2015.---'15, yeah.

MR DARAMS: So there's a significant reduction in your living expenses for a year when you are entirely living out of home. You accept that?  
---Yes.

One of the explanations is that cash is being used to fund or pay for these living expenses if you haven't significantly changed your spending habits. That's right?---That could be one assumption, yes.

20

What I'm suggesting to you is that there's been, in comparison to year 2014, there's been also a decline in cash withdrawals. So if, in fact, one explanation was that you were using cash to pay for these living expenses if you hadn't changed your spending habits, it doesn't seem on these figures that your cash or your resources are being used to pay for these living expenses in cash because I'm going to suggest to you you might expect to see an increase in cash withdrawals if what you were doing was taking money out of your bank account to pay for things in cash?---Mmm. Yeah. But we don't go back to 2013 or 2012 or 2011 when I was having issues,  
30 family issues - - -

I'm just focusing on - - -?--- - - - but I started saving before that, anyway, but you're, you're - - -

But I think you gave evidence to Mr Berry and Mr Fox when they interviewed you, that - - -?---Yeah.

- - - you had about \$2,000 or you'd accumulated about \$2,000 in this shoebox, maybe up to \$5,000 but - - -?---Yeah.

40

- - - you'd used all of that money in trips that you'd taken overseas and exchanging money at Travelex or foreign exchange services - - -?---Yeah. Yeah, I, yeah - - -

- - - that you didn't have by, come 2015, you didn't have 15, \$20,000 in cash in this kitty at home, did you?---I, I don't recall how much I had in the box, but it wouldn't have been 20,000.

10 Well, I think the evidence you gave was somewhere between 2 and \$5,000, Mr Tsirekas.---Yeah. Look, again, that was a best estimate but I don't know how much was in there.

Well, could it have been significantly less than \$2,000?---No, well, it could have been a bit more, I, I can't recall the exact amount.

20 Just moving, if we move across on these figures, again we see significant or reductions between 2015 and 2016 on your living expenses, yet we see a further reduction in the amount of cash being withdrawn out of your account. Do you see that?---Yes.

So again you either change your spending habits pretty significantly, that's one explanation for all this. Correct?---Correct.

Alternatively, you don't change your spending habits significantly or at all and you are paying for these expenses in cash. That's correct?---Could be one assumption. Correct.

30 One assumption. The cash either comes from your shoebox living expenses. Correct?---That could be one assumption.

That cash, you say, comes from your resources, so presumably it only comes from your bank account. That's right?---Yes.

It's not cash given to you by other people?---No.

That cash that you are withdrawing from your bank account to put into your shoebox travel expenses that you're also using in this period of time to travel overseas with. That's right?---Correct.

40 Same cash. See, what I'm suggesting to you, Mr Tsirekas, is that there does not seem to be, from your own resources in these periods of time, 2015,

2016, 2017, sufficient moneys to be paying for these overseas travels with cash, paying for living expenses in cash, so it suggests that there's some other source of cash during this period of time that you are using to pay for your travel and your living expenses. What do you say about that?---No, I disagree with that.

Is it the case that you did have some other source of cash that might have included – so in this period of time 2015, 2016, '17 – that included Mr Chidiac?---No.

10

Is it the case that you had some other source of cash that involved other persons, who you won't disclose, who provided you with this money?---No.

Is it the case that people were paying you money or giving you cash so that you would exercise your functions in favour of them or their clients or their associates?---No.

Is that the explanation as to how your living expenses and travel expenses were being funded in these years, 2015, 2016, 2017, 2018?---No.

20

Do you say that other than the specific examples you've given us that your dad had contributed amounts of cash, do you say that you were supporting yourself, including living expenses and travel, solely from your own resources? Is that what you say under oath?---Yes, and, and I think you said with my father's money as well, yes, mine and my father's.

Well, you have used your father's money for specific trips.---Sure, yes.

30 All of that's spent. You're not putting that in the box of cash to spend on - -  
-?---Look, I don't know how much was left of the cash that dad gave me, and I think I did say that in a previous evidence, late two thousand, sorry, beginning of 2017. So I, I can't recall whether there was any left, leftover cash from that.

This is the additional amount you say your father gave you in 2016-2017? ---'17, yeah, which I used.

Did you say it was somewhere between eight and \$10,000?---Something like that, yes.

40

So this was after he'd already given you \$41,250 in 2015.---Yes.

After he gave you about \$10,000 to apply to that trip in 2016.---Yes.

This is another eight to \$10,000 you said your father gave you in cash during this period of time?---He did, yes.

I see. So what you're saying to us is that you can't recall how much of that last component of the eight to \$10,000 was left over from your travel and included in your living expense?---I don't know how much, no.

10

What if it's suggested that none of those moneys that I've just gone through – that is the 41-odd thousand dollars, the \$10,000 and the eight to \$10,000 – what if it was suggested that none of that money came from your father and it was from sources otherwise who you won't tell us who gave you that money? What would you say about that?---I disagree with that.

Could I just have you be shown volume 11, page 18. Might have to turn your head a little bit, but this is the shoebox, isn't it, that you were storing your travel/living expenses in?---Yes.

20

How long did you have that shoebox for?---I don't know.

Is it the same shoebox that you kept it in the entire period of time that you were separated from your wife, which you've explained was the period of time you've been keeping this cash?---I don't remember. I don't, I don't think so.

So you had different shoeboxes, did you?---Well, I, I, this is where I kept it when I was in the unit and this is the box I was using. I don't know if I had other boxes or not.

30

THE COMMISSIONER: The bands we see in the box, I presume that they had been used to bind amounts, parcels of cash in the past, is that right?---I, I don't know, Commissioner.

Is that a fair inference to draw?---Well, I, I don't think so. I - - -

Why don't you think so?---Well, I, I don't know.

40 You don't know?---No.

MR DARAMS: Well, you're not collecting rubber bands, are you?---Well, yeah (not transcribable)

Why would you collect rubber bands in the shoebox where you're collecting your money that seems to be fastened or held together or bundled up with rubber bands?---There's no explanation.

10 Could one explanation be that those other rubber bands that we see in the shoebox once fastened or held together money?---Well, it could have been when, my dad did come to the unit with a bit of the money that I was using but that was a long time ago, this is 2019. So I had the rubber bands in there, yeah - - -

Yeah. My question was a bit different, you haven't sort of answered it and you're sort of trying to come up with an answer.---Sure. No, no.

20 My suggestion is, is it, given we see money in rubber bands or held together with rubber bands, I don't know how you would describe it, one plausible explanation is that those other rubber bands that appear there at some stage prior to this photo also held together bundles of money?---Well, over the years I had money and - - -

THE COMMISSIONER: I'm sorry, could you just answer the question first and then we might get the explanation later?---Sorry. Apologies. Yeah, apologies.

MR DARAMS: Can you answer the question?---Yes. What was the question?

30 It's really important, because it's a taking a long time, for you to listen to the - - -?---Sure.

THE COMMISSIONER: Otherwise we keep having to repeat the question because then you go off and - - -?---Yes, I know, Commissioner.

40 If you're not answering the question, we've got to come back and have the question re-put. All this is eating up time, we're having to add more hearing days to the program. We don't want to do that more than we have to.---No, no.

So if you just keep, from this point onwards, just listen the question, answer the point of the question. If you want to seek to make an explanation, I'll determine whether or not that's permitted.---Sure.

MR DARAMS: Is this a fair assumption to make, Mr Tsirekas, that the rubber bands that we see in the box that aren't holding bundles of money together, once, i.e. prior to this photo being taken, did in fact themselves hold bundles of money together?---No, it's not.

- 10 Why not?--- Because, because the rubber bands are in the box, there's cash there with rubber bands. They may have had more rubber bands around it at the time. It, it's no explanation for - - -

THE COMMISSIONER: Did you keep anything else in that box other than cash?---Yes. Sorry?

Did you keep anything else in that box other than bundles of cash?---Oh, I might have had my passport or papers in there or something.

- 20 Well, did you?---At, at occasions I did.

You did.---With my travel, my travel, before I got a travel bag I, I used that as well just to safe - - -

But you're not suggesting that you would use the rubber bands for that purpose, do you?---Well, it may have held some different currencies.

I think we might take a luncheon adjournment. So we'll resume at 2 o'clock.

30

**LUNCHEON ADJOURNMENT**

**[12.59pm]**